

IN THE HIGH COURT OF THE UNITED REPUBLIC TANZANIA

(TEMEKE HIGH COURT SUB- REGISTRY)

(ONE STOP JUDICIAL CENTRE)

AT TEMEKE

MISC. CIVIL APPLICATION NO. 5 OF 2022

*(Arising from Matrimonial cause No. 29 of 2019 from Resident
Magistrate court's at Kisutu before Hon. J.H. Mtega - PRM)*

ABUNERY ELIBARIKI SAIDIAPETITIONER

VERSUS

MINA NIMWESIGA RUTAKYAMIRWARESPONDENT

RULING

13/06/2022 & 13/06/2022

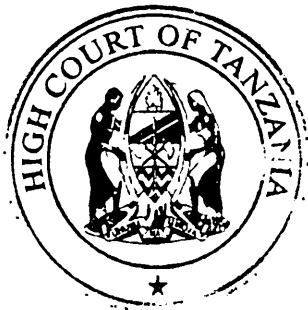
I.C. MUGETA, J

The applicant has applied for extension of time to file an appeal out of time. He is represented by Teddy Mwakifuna, advocate. The respondent is unrepresented and she filed a counter affidavit to oppose the application.

The reason for delay in the applicant's affidavit is that after the decision which was rendered on 01/12/2021, on 08/12/2021, he applied for court records for appeal purpose per annexure A to the affidavit. The documents were supplied on 02/02/2022 and the time to appeal had expired. Seven days later, on 09/02/2022, this application as filed.

In the counter affidavit the respondent complains about applicant's failure to file appeal in time. However, on the hearing date, upon proof by the counsel for the applicant that the applicant, indeed, applied for the documents on the said date, she conceded to the application.

Obtaining Court record for appeal purpose is essential to enable a party to prepare the appeal. There is no dispute that the applicant applied for the documents timely but they were delayed. He filed this application seven days upon receipt of the documents. This shows diligence and he has accounted for each day of the delay. I accordingly grant the application. The intended appeal to be filed within fourteen (14) days from the date of this order.



I.C. Mugeta
I.C. MUGETA
JUDGE
13/06/2022

Court: Delivered in chambers before Tedy Mwakifuna, advocate for the applicant and the respondent in person.

Sgd: I.C. MUGETA
JUDGE
13/06/2022